



## MEMORANDUM

**To: PLANNING COMMISSION**

**Date: October 24, 2006**

**From: COMMUNITY DEVELOPMENT DEPARTMENT**

**Subject: Use Permit Amendment, UPA 98-08: Dewitt- Little Sonshine School/  
Morgan Hill Presbyterian Church**

### **REQUEST**

The applicant is requesting approval to amend the use permit for a 3,384 sq. ft. expansion to the existing church for a new youth education building located in a R-1, 7,000 (Single Family Medium Density) zoning district at 19670 DeWitt Ave. (APN: 767-02-004).

### **RECOMMENDATION**

Environmental Assessment: Exempt from CEQA per section 15303, New Construction of Small Structures.

Use Permit UPA-98-08: Adopt Resolution approving the Amended Use Permit

Processing Deadline: April 1, 2007

### **BACKGROUND:**

The Morgan Hill Presbyterian Church is one of the few churches in the community that is a legal non-conforming use at this site having never received a use permit under the current zoning requirements. The Little Sonshine preschool received a use permit in 1998 to operate a day care center on the site. The amendment to the Use Permit would include the church as well as the proposed addition.

### **CASE ANALYSIS**

The existing facility is used for regular and seasonal religious services, educational and day care programs, social gatherings and limited administrative activities. The primary hours of the use would be during Sunday services 9am to 12pm, and Friday night youth

activities between 6:30pm to 9pm. The weekday nursery day care is run between the hours of 7am to 6pm, as well as some church administrative activities. More details of the activities are in the attached Statement of Operations.

### **USE PERMIT FINDINGS**

The required findings for a Conditional Use Permit are contained in Section 18.54.050(B) of the Municipal Code and read as follows:

- A. The site is suitable and adequate for the proposed use.**
- B. The proposed use and design would not have a substantial adverse effect on traffic circulation and on the planned capacity of the street system.**
- C. The proposed use at the location will not adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area, or impair the utility or value of property of other persons located in the vicinity of the site, or be detrimental to public health, safety or general welfare.**
- D. The design of the project is compatible with existing and proposed development within the district and its surroundings.**

### **Site Suitability:**

The site is developed with a 13,594 square foot church including classrooms, offices, a sanctuary and fellowship hall. The 3,384 sq. ft addition to the church will be off to the east side of the existing fellowship hall. The proposed parish hall would consist of a large room to support the youth activities as well as the addition of new bathrooms. The parish hall is intended for the primary use in support of the church activities on Sunday and not intended for expansion to the daycare activities on the weekdays.

The site has a total of 95 parking spaces. If you calculate the parking based on the square footage of all the uses being conducted at the same time the site would require 128 parking spaces. The church administrative activities during the weekdays require 3 parking spaces while the Little Sonshine School requires 20 spaces. They have a congregation of approximately 200 people with 50 of them being youth and 35 to be smaller children. Using the ratio of 2.5 people to 1 space, Sunday's services would require 80 spaces. The addition would require 14 additional parking spaces for the new parish hall bring it to a total of 94 parking spaces. Peak parking demand for the various uses occurs at different times of the day and different days of the week. The available parking on site will be adequate for the proposed use.

Circulation:

Access to the site is provided via three existing driveways. No changes are proposed to the current circulation pattern. Traffic impacts are minimal with the addition to the main building as it is not creating more seating in the sanctuary. The addition is only expected to be used during Sunday morning as well as Friday evenings. For the Friday evening hours, if the addition was at full capacity with the congregations 50 youth, due to carpool (rate of 2.5:1) it would create 80 trips or less with a few young drivers. The additional trips for Sunday are similar to current traffic generation due to carpooling. Staff believes that the proposed use would not have a substantial adverse effect on current traffic circulation or on the planned capacity of the street system.

General Welfare:

The proposed use is conducted completely indoors and does not involve any qualities of chemical or employ processes that will create excessive noise. The expansion to the church will not adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area, or impair the utility or value of property of other persons located in the vicinity of the site, or be detrimental to public health, safety or general welfare. The general hours of the church functions for the addition are on weekends and weekday during non peak times. The nursery could at the most add 14 more youth to the morning Sunday school services. Surrounding residential properties will not be adversely impacted by the addition.

Design:

The proposed additions will make the existing church more functional and create more usable space. The additions will be constructed to blend in with the existing buildings and will be required to meet all building code requirements for the improvements. The additions will be required to go to Site and Architectural Review for approval of the design.

**RECOMMENDATION**

Staff believes that the findings required for approval of the amendment to the existing conditional use permit can be made for the proposed addition to the Presbyterian Church. Staff recommends approval of the proposed conditional use permit amendment and has provided the Commission with the Resolution of approval.

**Attachments:**

- Letter of Justification/Statement of Proposed Operations
- Resolution of approval
- Vicinity Map
- Plans



## **RESOLUTION NO.**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO A CONDITIONAL USE PERMIT TO ALLOW FOR CONTINUED USE OF THE MORGAN HILL PRESBYTERIAN CHURCH AND THE CONSTRUCTION OF A 3,384 SQ. FT. ADDITION LOCATED AT 19670 DEWITT AVE. IN A R-1,7000 ZONING DISTRICT (APN: 767-02-004)**

**WHEREAS**, such request was considered by the Planning Commission at their regular meeting of October 24, 2006, at which time the Planning Commission approved application UPA-98-08: Dewitt- Little Sonshine School/Morgan Hill Presbyterian Church; and

**WHEREAS**, testimony received at a duly-noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process.

**NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES RESOLVE AS FOLLOWS:**

**SECTION 1.** The approved use is consistent with the Zoning Ordinance and the General Plan.

**SECTION 2.** The project is categorically exempt from CEQA under Section 15303 (c), New Construction of Small Structures.

**SECTION 3.** The approved conditional use has been found consistent with the criteria for use permit approval contained in Section 18.54.050 of the Zoning Code.

**SECTION 7.** The approved project shall be subject to the following conditions:

- A. Signed Resolutions. Within 30 days of conditional use permit approval, the applicant shall submit two (2) signed copies of Resolution No. to the Planning Division.
- B. Time Limitations. The Conditional Use Permit approval granted under this Resolution shall remain in effect for twelve (12) months from the effective date of this Resolution. Failure to commence the use within this term shall result in termination of approval unless an extension of time is granted with a showing of just cause prior to the expiration date.

**Resolution No.**

- C. Use Approval. The use shall operate consistent with the applicant's Statement of Proposed Operations, and plans date stamped September 1, 2006, and on file with the Planning Division.
- D. Annual Review. In accordance with Section 18.54.090 of the Municipal Code, the Community Development Department shall conduct an annual review of the approved use for compliance with specified conditions. The Department may initiate corrective action as specified in the aforementioned Code Section as necessary to ensure compliance with said conditions.
- E. Defense and indemnity. Applicant agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives free and harmless from and against any and all claims, losses, damages, injuries, costs and liabilities arising from any suit for damages or for equitable or injunctive relief which is filed against City by reason of its approval of applicant's project. In addition, developer shall pay all pre-tender litigation costs incurred on behalf of the City including City's attorney's fees and all other litigation costs and expenses, including expert witnesses, required to defend against any lawsuit brought as a result of City's approval or approvals, but shall not be required to pay any litigation from the City. However, developer shall continue to pay reasonable internal City administrative costs, including but not limited to staff time and expense spent on the litigation, after tender is accepted.

**PASSED AND ADOPTED THIS 24<sup>TH</sup> DAY OF OCTOBER 2006, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:**

**AYES: COMMISSIONERS:**

**NOES: COMMISSIONERS:**

**ABSTAIN: COMMISSIONERS:**

**ABSENT: COMMISSIONERS:**

**ATTEST:**

**APPROVED:**

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**FRANCES O. SMITH, Deputy City Clerk**

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**ROBERT ESCOBAR, Vice Chair**

**Resolution No.**

**A F F I D A V I T**

I \_\_\_\_\_, applicant, hereby agree to accept and abide by the terms and conditions specified in this resolution.

\_\_\_\_\_  
Applicant

Date: \_\_\_\_\_





## **Statement of Proposed Operation:**

The Proposed Addition to the Morgan Hill Presbyterian Church (MHPC) includes a new Youth Education Wing and additional bathrooms which are necessary to support our current congregation.

Currently MHPC uses the Fellowship Hall and Sunday School Rooms for activities related to Children K-5 and Youth 6-12 Christian education programs. The growth of MHPC in the areas of children's and youth education has expanded and continued to increase over the last few years through both strong leadership, but also due to increased children and youth attendance. This has prompted MHPC to consider for an expansion dedicated to the Youth population of the church, leaving existing facilities for the Children to expand into. Usage of the new facility is mainly focused on Sunday's Christian Education activities (9am-12noon), Friday Night Youth activity (6:30pm-9pm) in addition to many community groups that use our facility on other nights and during the day. As the Children and Youth of these age groups are not of driving age, there is traffic only generated during drop-off and pick-up times on specific days.

MHPC has only three permanent employees (Pastor, Youth Pastor and Administrator) who are on-site during the day (8am-5pm). There are four teachers associated with the Little Sonshine School (Pre through K) which leases the Sunday School Rooms during the weekdays (7am-6pm) and associated traffic is again drop-off and pick-up focused on the hours near 7-8am and 5-6pm where parents are getting their children to and from Preschool.

We believe that adding the new Youth Education building will support our growth and enable us to reach our community more effectively.

Sincerely,

Lawrence W. Toombs, President, Elder

## **Letter Of Justification**

Morgan Hill Presbyterian Church currently owns the property at the East corner of Dewitt and East Dunne Avenues. The Church has been operating on this site in its present form for many tens of years and proposes to do so in the same manner and content for many more years to come. The site as used is currently underdeveloped although has adequate parking and access.

The proposed addition actually makes no change to traffic patterns as it will use the same street access and the same number of vehicles and children/youth as we currently have, what this allows us to do is relieve current facility overcrowding and provide for limited future growth.

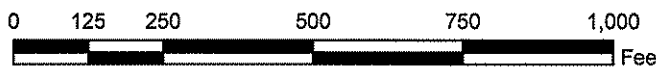
As we have stated previously, MHPC currently conducts the activities proposed for the new building in its current facilities. Expanding our area will not add any adverse effect on the peace, health, safety, morals or welfare of persons in the surrounding area. Truthfully, it may make things more supportive of these by promoting a more conducive area for our activities by spreading out our programs. This proposed addition is at the back of the property and by no means affect surrounding property values. With the addition of increased bathroom space there are no public health, safety or general welfare concerns.

The proposed addition actually balances out and enhances the architecture of the existing structure and removes some less attractive sheds.

MHPC does not sell retail groceries, food or beverages on its premises.

Sincerely,

Lawrence W. Toombs  
President  
Elder



**UPA89-08: DeWitt- Little Sonshine School/  
Morgan Hill Presbyterian Church**

**Vicinity Map**



